

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE THE APPLICATION OF JONAH
MEER, AS LIQUIDATOR FOR KOPIST
HOLDING LIMITED

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782

ORDER

ONA T. WANG, United States Magistrate Judge:

Applicant, the Liquidator appointed by the High Court of Justice of the British Islands (“Liquidator” or “Applicant”), for Kopist Holding Limited (“Kopist” or “the Company”), move for an order pursuant to 28 U.S.C. § 1782 authorizing it to take discovery from H.S.B.C. Bank U.S.A., N.A.; Bank of New York Mellon; JPMorgan Chase Bank, N.A.; Citibank N.A.; Deutsche Bank and its affiliates Deutsche Bank Trust Company Americas and Bankers Trust Company; Commerzbank AG; Wells Fargo Bank, N.A.; Bank of America, N.A.; Credit Suisse AG; Garanti Bank and Bank Julius Baer (collectively the “Respondents”) for use in foreign proceedings. Specifically, Applicant requests that the Court order the issuance of subpoenas directing each of the Respondents to produce documents, as described in the subpoena attached to the Declaration of Jonah Meer dated September 28, 2022, as Exhibit 23 at Docket No. 3 (the “Subpoena”), for use in ongoing and contemplated foreign litigation.

The Court is satisfied that the application is proper under 28 U.S.C. § 1782: (1) Respondents reside and are found in this District; (2) the discovery sought for use in proceedings before a foreign tribunal; and (3) Applicant-as court-appointed Liquidator for the Company in ongoing litigation and the potential plaintiff in contemplated litigation-is an interested party in those proceedings. The Court also finds that the discretionary factors, as described in *Intel Corp.*

v. Advanced Micro Devices, Inc., 542 U.S. 241, 264-266 (2004), weigh in favor of granting Applicant's application.

Accordingly, it is hereby ORDERED that Applicant's application is GRANTED. Applicant may serve each of the Respondents with the Subpoena, in substantially the form it appears as attached to the Declaration of Jonah Meer as Exhibit 23.

It is further ORDERED that Respondents shall produce the documents as specified in the subpoena. Discovery shall be governed by the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.

IT IS SO ORDERED.

Dated: January 26, 2023

New York, New York



Ona T. Wang

U.S.M.J.